

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSEPH E. CANNON,

Plaintiff,
VS.

**DEBRA REYNOLDS,
CHESTER JAMES,
DR. RICHARD MAYO,
DR. MICHAEL BERRY,
DR. ROBERT ELLIOTT,
DEBORAH MCCOY,
K.D. JOST,
KENT DESHAZO,
JEFFERY WALL,
FREDERICK C. ABBOTT,
JOHN DOE,
and
CONTINENTAL AIRLINES, INC.,**

CIVIL ACTION NO. H-05-3136

Defendants.

MEMORANDUM AND ORDER

In this case, Plaintiff Joseph Cannon contends that Defendant Continental Airlines and the individual Defendants conspired to deprive Cannon, an airline pilot, of his medical certification to fly commercial aircraft. Cannon has stated claims for civil conspiracy, tortious interference with existing and prospective contracts and with future economic advantage, intentional infliction of emotional distress, defamation, invasion of privacy, and negligence. Defendants Debra Reynolds, Frederick Abbott, Jeffery Wall, K.D. Jost, and Kent DeShazo now move to dismiss Cannon's claims against them, pursuant to FED. R. CIV. P. 12(b)(6), for failure to comply with the governing statutes of limitations. After considering the parties' filings and oral arguments and the applicable

law, the Court finds that the motions, Docket Nos. 56 through 60, should be and hereby are **GRANTED IN PART** and **DENIED IN PART**.

Cannon's defamation claim is governed by a one-year statute of limitations. TEX. CIV. PRAC. & REM. CODE § 16.002 (Vernon 1985). All of his other claims are subject to two-year limitations periods. *Id.* § 16.003. The last date upon which Cannon suffered harm allegedly caused by Defendants' actions was August 6, 2003, when the Federal Aviation Administration ("FAA") notified him that his medical certification had been withdrawn. Cannon filed suit in Texas state court on August 4, 2005. Cannon's defamation claim was thus untimely filed. His other claims, however, may proceed. Accordingly, Defendants' motions to dismiss are hereby **GRANTED** as to Cannon's defamation claims against them and are in all other respects **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 19th day of April, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**